

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Timothy Robert Hawkes

SERIAL NO.: 10/564,050

FILED: August 11, 2006

TITLE: METHOD OF SELECTIVELY PRODUCING  
MALE OR FEMALE STERILE PLANTS

GROUP ART UNIT: 1638

EXAMINER: FOX, David T.

ATTORNEY DOCKET NO: 70294USPCT

CONFIRMATION NO.: 5616

**REPLY TO RESTRICTION/ELECTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

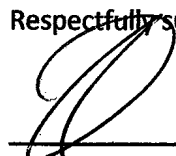
Sir:

In response to the Restriction/Election Requirement dated February 25, 2009 requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby elect to prosecute the invention of Species I, claims 1-7, drawn to a method for making a male-sterile plant via transformation with a construct comprising at least one male reproductive tissue-specific promoter. This election is made without traverse.

Applicants reserve their statutory right under §121 to prosecute the subject matter of the non-elected inventions in a timely-filed application.

Applicants believe there is no fee due with this response. However, the Commissioner is hereby authorized to charge any fees deemed necessary, or credit any overpayment, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,

  
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Date: March 10, 2009